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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DONNELL BLEDSOE,

12 Plaintiff,

13 v.

14 SHAWN GRANBERRY, et al.,

15 Defendants,
16

No. 2:19-cv-1648 JAM DB PS

ORDER

17 Plaintiff Donnell Bledsoe is proceeding in this action pro se. This matter was referred to
18 the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Pending
19 before the court are plaintiff's second amended complaint and motion to proceed in forma
20 pauperis pursuant to 28 U.S.C. § 1915. (ECF Nos. 1 & 13.) Therein, plaintiff complains about
21 alleged copyright infringement.

22 On October 19, 2020, the undersigned issued an order dismissing plaintiff's complaint
23 with leave to file an amended complaint. (ECF No. 11.) That order raised the issue of whether
24 the Eastern District was the proper venue for this action. (Id. at 4.) On March 26, 2021, plaintiff
25 filed a second amended complaint. (ECF No. 13.) According to the second amended complaint
26 the defendants in this action reside in Oakland, CA. (Am. Compl. (ECF No. 13) at 1.) And the
27 alleged copyright infringement "took place" in Oakland, CA, and Emeryville, CA. (Id. at 4.)

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1 The court may “raise the issue of defective venue on its own motion.” Costlow v. Weeks,
2 790 F.2d 1486, 1488 (9th Cir. 1986) (affirming sua sponte dismissal for improper venue).
3 Pursuant to 28 U.S.C. § 1391(b):

4 A civil action may be brought in—

5 (1) a judicial district in which any defendant resides, if all defendants
6 are residents of the State in which the district is located;

7 (2) a judicial district in which a substantial part of the events or
8 omissions giving rise to the claim occurred, or a substantial part of
property that is the subject of the action is situated; or

9 (3) if there is no district in which an action may otherwise be brought
10 as provided in this section, any judicial district in which any
defendant is subject to the court’s personal jurisdiction with respect
to such action.

11 Here, second amended complaint alleges that the defendants reside—and the events
12 giving rise to the claim at issue took place—in the judicial district for the United States District
13 Court for the Northern District of California. “The district court of a district in which is filed a
14 case laying venue in the wrong division or district shall dismiss, or if it be in the interest of
15 justice, transfer such case to any district or division in which it could have been brought.” 28
16 U.S.C. § 1406.

17 Accordingly, IT IS HEREBY ORDERED that this action is transferred to the United
18 States District Court for the Northern District of California.

19 Dated: April 8, 2021

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22 DEBORAH BARNES
23 UNITED STATES MAGISTRATE JUDGE
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